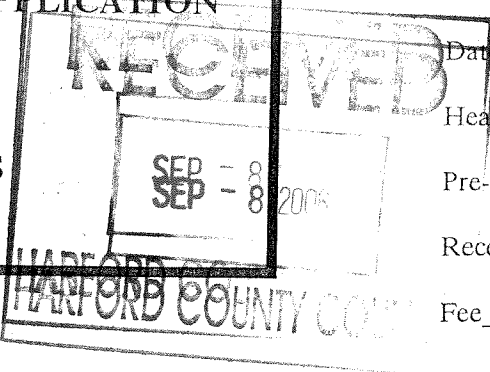


ZONING RECLASSIFICATION APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

Shaded Area For Office Use Only



Case No. 120

Date Filed 3/31/06

Hearing Date _____

Pre-Conf. _____

Receipt _____

Fee \$500.00

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name Lismore Limited Liability Co. Phone Number _____ Call Attorney _____

Address C/O Lambdin Development Co., P.O. Box 676, Bel Air, MD 21014
Street Number Street State Zip Code

Property Owner Same Phone Number _____

Address _____
Street Number Street State Zip Code

Contract Purchaser None Phone Number _____

Address _____
Street Number Street State Zip Code

Attorney/Representative Michael E. Leaf, Esquire Phone Number (410) 893-2333

Address 112 South Main Street, Suite 102, Bel Air, MD 21014
Street Number Street State Zip Code

ATTACHMENT A TO ZONING RECLASSIFICATION
APPLICATION OF LISMORE, LLC

(a) A list of the names and addresses of all persons, organizations, organizations or groups owning land, any party of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation is attached hereto as Attachment B-1 and a List of Persons with Legal or Equitable Interests is attached as Exhibit B-2.

(b) A statement of the grounds for the Application including:

(1) There was a mistake as to the existing zoning. The existing zoning splits the zoning of the subject property by drawing a diagonal line across the subject property. The diagonal line was supposed to be farther to the north and west in order to conform with the residential/agricultural area delineated in an Agreement made in 1981 between the former owners of the property and several nearby property owners near the northwest corner of the subject property. In 1982, the Department of Planning and Zoning attempted to conform the zoning line to the line designated in the private agreement but a drafting error caused the line to go farther to the east and south. This mistake was not discovered and was repeated in the subsequent comprehensive rezonings.

(2) There has been a substantial change in the character of the neighborhood. The property to the north was rezoned from CI to VR, thereby providing a buffer between the Forest Hill Business Center and the VR properties to the north and west. A church has been built directly across the street from the subject property. A great deal of

commercial development has taken place and is continuing to take place to the south of the subject property.

(c) The proposed CI classification is in conformance with the Master Plan. The existing VR zoning is not in conformance with the Master Plan. The Land Use Map designates the subject property and adjoining property as "High Intensity" which is defined as "Areas within the Development Envelope where residential development occurs at a density greater than 7.0 dwelling units per acre. Major retail commercial centers and highway-related businesses, such as automobile dealerships and home improvement centers, are examples of some of the most intensive uses associated with this designation."

(d) A Concept Plan is attached hereto as Attachment C.

(e) Petitioner is not aware of any individual rezonings since the effective date of the comprehensive rezoning (1997) within the neighborhood of the petitioned area.

(f) There are no environmental features such as woods, fields, streams, flood plains, non-tidal wetlands, etc. on the subject property as noted on the Concept Plan.

(g) The property deed and boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned is attached hereto as Attachment D and E.

(h) Attached hereto as Attachment F are copies of the private restrictions or covenants applicable to the subject parcel. (The 1981 Agreement placed restrictions on the zoning of the property to the north of the subject parcel but do not restrict the zoning of the subject parcel.)

(i) There are no agreements with individuals or associations in the neighborhood related to the proposed zoning.

(j) Public water and sewer are available to the subject property.

(3) By placing the zoning line where it is, the very purpose of the VR District is compromised. The extension of the zoning line across the proposed access/collector road into the industrial park is contrary to preserving and enhancing the character and function of the local established rural settlement.

Land Description

Address and Location of Property (with nearest intersecting road) 1 Newport Drive, Forest Hill, MD 21050

Subdivision Forest Hill Business Center Parcel Number 1 Acreage/Lot Size 2.02 acre Election District 03-05

Existing Zoning CI & VR Proposed Zoning CI Acreage to be Rezoned 0.326 acres

Tax Map No. 40 Grid No. 1D Parcel 348 Deed Reference 2256/166

Critical Area Designation N/A Land Use Plan Designation High Intensity

Present Use and ALL improvements: Bank building and strip building with service tenants including art framing, hair salon, cleaners, Chinese restaurant, investment, physical therapy & eyecare.

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) Rezone a portion of the Property from VR to CI to allow additional uses of similar character.

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

No If yes, describe: _____

Estimated Time Requested to Present Case: 1 Hour

Required Information To Be Attached

(Submit three (3) copies of each):

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

- (4) All surrounding zoning.
- (5) Proposed public or private capital improvements.
- (e) Previous individual rezonings and recommendation since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions.
- (f) Environmental features map indicating woods, fields, streams, floodplains, non-tidal wetlands, etc.
- (g) Property deed and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property.
- (h) Private restrictions or covenants, if any, applicable to subject parcel.
- (i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted.
- (j) Availability of public water and sewer.

Additional Information as Required by the Department of Planning and Zoning

- (a) Existing and proposed libraries, parks, schools, fire and police departments.
- (b) Demonstration of compatibility of the proposed use with existing and proposed development for the area.
- (c) Traffic impact study.
- (d) Economic and Environmental impact studies.
- (e) Estimated population for existing and proposed petitioned area and neighborhood, as defined.
- (f) Soils analysis.
- (g) Aerial photograph.

CASE 120 MAP 40 TYPE Rezoning

ELECTION DISTRICT 03 LOCATION 1 Newport Drive, Forest Hill 21050

BY Lismore Limited Liability Co., P.O. Box 676, Bel Air 21014

Appealed because a rezoning pursuant to Section 267-12A of the Harford County Code to rezone 0.326 acres from a CI/VR District to CI District requires approval by the

Board.

I/We do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information, and belief.

Lismore Limited Liability Co.

By:

James Lambdin 8/24/06
Signature of Applicant/Owner Date
James Lambdin, Member

Arthur E. Land 8-24-06
Witness Date

Signature of Contract Purchaser/Owner Date

Witness Date

Michael S. J... 8/30/06
Signature of Attorney/Representative Date

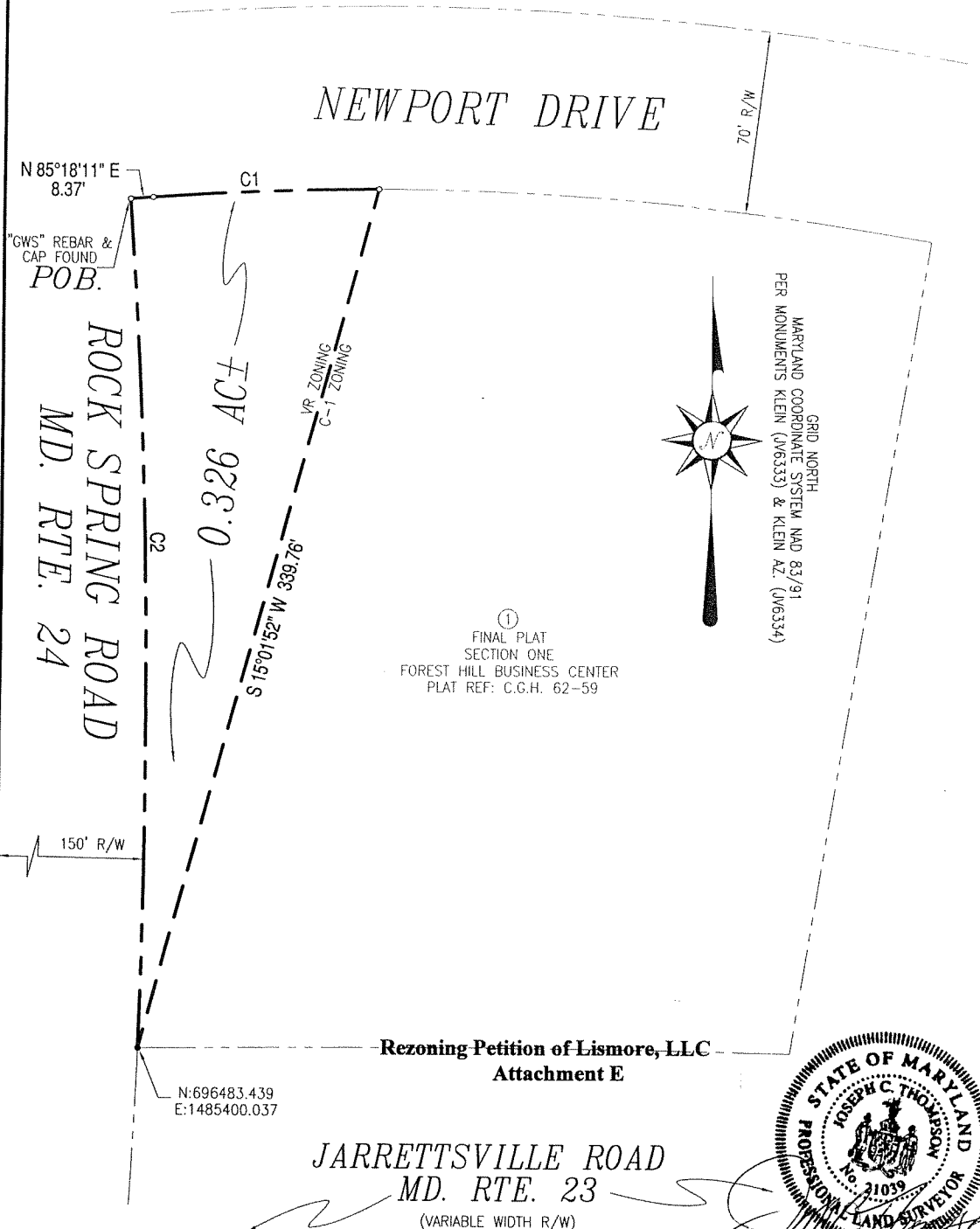
Jaqueline D. Ledner 8/30/06
Witness Date

Carl J. M... 9/8/06
Director of Planning and Zoning Date

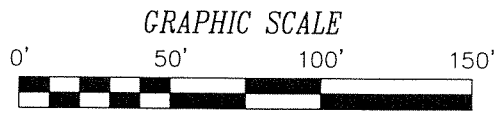
Zoning Staff Date

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1092.75'	85.02'	85.00'	N 87°32'05" E	04°27'28"
C2	2980.79'	323.99'	323.83'	N 00°54'39" W	06°13'39"



NOTE: THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND/OR ABSTRACT.
 DEED REF: C.G.H. 2256/166
 PLAT REF: C.G.H. 62-59



<p>ZONING EXHIBIT LAND OF LISMORE LIMITED LIABILITY CO. ELEC. DIST. NO.3</p>	<p>THOMPSON & McCORD ASSOCIATES, LLC 402 N. HICKORY AVENUE SUITE B BEL AIR, MARYLAND 410-803-0696 LAND SURVEYORS AND ENGINEERS</p>	<p>SCALE: 1"=50' DATE: 08-25-06 DRAWN: HUTCHINS JOB NO.: 2832</p>
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